

Introduced by Senator Simitian

February 18, 2005

An act to add Article 7 (commencing with Section 10390) to Chapter 2 of Part 2 of Division 2 of the Public Contracts Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 497, as introduced, Simitian. Low-Emissions Contractor Incentive Program.

Existing law requires the State Energy Resources Conservation and Development Commission, the Department of General Services, and the State Air Resources Board to develop and adopt fuel efficiency specifications governing the purchase of state motor vehicles and replacement tires that will reduce petroleum consumption of the state vehicle fleet to the maximum extent practicable and cost-effective.

This bill makes legislative findings with regard to the need to provide incentives to encourage the reduction of air pollution emissions from specified vehicles. This bill would require the Department of General Services, in consultation with the State Air Resources Board, to develop and implement a statewide Low-Emission Contractor Incentive Program to reduce air pollution emissions from specified vehicles utilized in the performance of all state agency and department contracts for the construction of roads, highways, buildings, and other state infrastructure projects.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Air pollution is a major public health threat in California.
4 More than 90 percent of Californians live in areas that fail to
5 meet federal or state air quality standards.

6 (b) A long-term children's health study, funded by the State
7 Air Resources Board, revealed that exposure to high air pollution
8 levels can slow the growth rate of a child's lung function by up to
9 10 percent.

10 (c) Each year, air pollution costs California, its residents, and
11 its businesses billions of dollars for costs related to health care
12 and for the costs attributable to lost workdays and lost days of
13 school attendance.

14 (d) The State Air Resources Board estimates, if this state is
15 able to meet an acceptable particulate matter-standard, that each
16 year 6,500 premature deaths, or 3 percent of all deaths in this
17 state, would be prevented. In addition, the State Air Resources
18 Board estimates that, each year diesel pollution, alone, is the
19 cause of between 700 and 3,570 premature deaths, 2,600 cases of
20 chronic bronchitis, and 5,270 hospital admissions for respiratory
21 and cardiovascular illnesses.

22 (e) Diesel engine emissions from both on-road and off-road
23 heavy-duty vehicles include fine particulate matter that can be
24 breathed deeply into the lungs and enter into a person's blood
25 system. The State Air Resources Board classifies diesel
26 emissions as a toxic air contaminant and estimates that these
27 emissions account for 70 percent of the cancer risks associated
28 with airborne toxins.

29 (f) According to California's emission inventory prepared for
30 2003, construction is a major source of diesel pollution,
31 accounting for almost one-third of all diesel fine particulates and
32 one-fifth of all diesel emissions of nitrogen oxides.

33 (g) The Legislature has, through prior legislation, taken a lead
34 in addressing the reduction of diesel emissions and has provided
35 incentives to encourage the reduction of those emissions. By
36 enacting these measures, the Legislature has demonstrated that
37 the reduction of air pollution constitutes an important statewide
38 policy.

1 (h) The State of California spends billions of dollars each year
2 on the construction of roads, highways, and other state
3 infrastructure projects and buildings.

4 (i) There is a need for stronger incentives in California's state
5 contracting process to encourage contractors to invest in or use
6 low-emission diesel vehicles and equipment, and thereby protect
7 public health.

8 (j) The State of California has an interest in the protection of
9 public health and the reduction of exposure to diesel emissions
10 generated at state-funded construction sites.

11 (k) The State of California, through its public contract
12 procedures, can both reduce the exposure to diesel emissions and
13 encourage contractors to reduce emissions from on-road and
14 off-road diesel vehicle fleets and from onsite diesel generators
15 through the utilization of existing state incentive programs such
16 as the Carl Moyer Air Quality Standards Attainment Program.

17 SEC. 2. Article 7 (commencing with Section 10390) is added
18 to Chapter 2 of Part 2 of Division 2 of the Public Contract Code,
19 to read:

20
21 Article 7. The Low-Emission Contractor Incentive Program
22

23 10390. The Department of General Services, in cooperation
24 with the State Air Resources Board, shall develop and implement
25 a green contracting program to reduce air pollution emissions
26 from onroad and offroad construction equipment utilized in the
27 performance of all state agency and department contracts for the
28 construction of roads, highways, buildings, and other state
29 infrastructure projects.